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EXAMINER

WEISKOPF, MARIE

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,828

Applicant(s)

ISSA ET AL.

Examiner

Marie A. Weiskopf

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-9, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ross et al (US 2004/0044454.) Ross et al discloses a method and system for implementing vehicle personalization comprising:

- In regard to claims 1 and 14, a vehicle personalization system for personalizing settings of an in-vehicle telematics unit and associated components including a motor vehicle (Page 1, paragraph 17) comprising:
 - An application that receives configuration data from a user. (Page 2, paragraph 24)
 - A controller remotely located from the vehicle that receives the configuration data from the application and generates vehicle accessory parameters based on the configuration data. (Page 2, paragraph 26)

- A module located in the vehicle that receives the vehicle accessory parameters from the controller and adjusts vehicle accessories according to the vehicle accessory parameters. (Page 2, paragraph 20)
- In regard to claims 2 and 8, the application is located on at least one of an internet site, a laptop, a mobile phone and a personal data assistant. Ross et al discusses the application being available on an internet site (Page 2, paragraph 24.) It is inherent then that the application can be reached by a laptop, mobile phone, and PDA if each has access to the internet.
- In regard to claims 3 and 9, the configuration data defines preferences of the user. (Page 2, paragraph 24)
- In regard to claims 7 and 15, as discussed above in regard to claims 1 and 14, an application that receives configuration data from a user, a controller remotely located and a module located in the vehicle that receives the vehicle accessory parameters. Also, Ross et al discloses a user device that receives the vehicle accessory parameters from the controller, which is disclosed as a telematics unit. (Pages 1-2, paragraph 18; Page 2, paragraph 26)
- In regard to claim 13, the user device is at least one of a laptop, a mobile phone, and a personal data assistant. Ross et al discloses a telematics unit that is capable of being any one of the mentioned devices. (Pages 1-2, paragraph 18)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al (US 2004/0044454) in view of Stouffer (US 2004/0130439.) Ross et al, whose invention was discussed above, fails to mention the configuration data for the vehicle being audio data, which the controller then compresses and the module adjusts a turn signal sound according to the data. Stouffer discloses an enhanced audio feedback for vehicle security systems. A user is able to upload different compositions into the memory and the different compositions can be played over a sound system corresponding to different security system events. (Page 1, Paragraph 29) The compositions can be any aural sound, which Stouffer gives examples as songs from popular culture, bird call, Westminster Chime, etc. (Page 2, Paragraph 39) In Stouffer's invention, the compositions are uploaded to the memory by coupling the sound module with any external processor where it is inherent that the data would then be compressed (Page 2, paragraph 38), however, it would have been obvious to one having ordinary skill in the art at the time of the invention to use the method and system disclosed by Ross et al to allow the music to be uploaded at a personal computer and then transmitted wirelessly to the telematics unit in the vehicle and then use that data to change the user preferences of the vehicle, such as the turn signal sounds in order to provide the user with their own personal preferences in the vehicle, as mentioned by Ross et al. This would allow the user to easily change their own preferences of the vehicle depending on which vehicle they were in.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

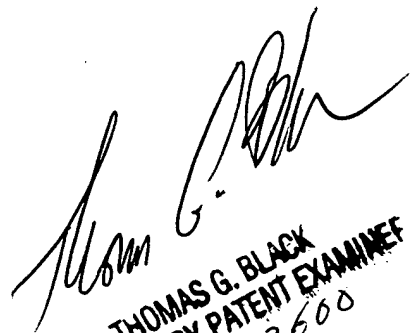
- US 6,405,106 to Sheth et al discloses an enhanced vehicle controls through information transfer via a wireless communication system.
- US 6,687,587 to Kacel discloses a method and system for managing vehicle control modules through telematics.
- US 6,892,116 to Geisler et al discloses a vehicle information and interaction management.
- US 2004/0158371 to Iggulden et al discloses a method and apparatus for setting programmable features of a motor vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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